



**Colorado  
Legislative  
Council  
Staff**

**HB16-1300**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0655  
**Prime Sponsor(s):** Rep. Ryden

**Date:** March 21, 2016  
**Bill Status:** House SVMA  
**Fiscal Analyst:** Chris Creighton (303-866-5834)

**BILL TOPIC:** MAIL BALLOT RETURN OPTIONS REQUIREMENTS & PROCEDURES

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b>		
<b>State Expenditures</b>	<u>up to \$256,000</u>	
Federal Funds	up to 256,000	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing workload increase.		

**Summary of Legislation**

This bill gives counties exclusive authority to determine the location and security of a voter ballot drop-off location. The Secretary of State's Office (SOS) may provide specifications on the installation of drop boxes and accessibility of drop-off locations for persons with disabilities. Counties are encouraged to utilize state-owned property and to enter into public-private partnerships for the placement of drop-off locations on commercial property that is conveniently located.

Under current law, if a voter returns their mail ballot by mail they must pay for postage. This bill removes that requirement and requires counties to work with the U.S. Postal Service to provide efficient delivery of mail ballots, including ballots with insufficient postage. Counties must file a plan with the SOS for how the county will work with the post office to ensure the delivery of ballots.

This bill also requires the SOS to use federal Help America Vote Act (HAVA) funds to purchase one twenty-four hour secure drop box for each county in the state, unless a county submits a waiver requesting not to receive the new equipment.

**Background**

Current law requires all elections to be conducted by mail ballot. Voters may drop off their completed ballot in county provided drop-off locations, deliver them directly to the county clerk's office, mail them using the U.S. postal service, or return them to a voter center. All counties are required to provide at least one ballot drop-off location. Counties with more than twenty-five thousand active electors are required to provide additional drop-off locations based on population.

Drop-off locations must be located in a secure area designated by the clerk and be under the supervision of the clerk, staff or an election judge. These locations may include a secure ballot drop box.

The Help America Vote Act was passed in 2002 to address improvements to voter systems and voter access. This act created the Election Assistance Commission and established minimum election administration standards. Federal funds were provided to the states to help them accomplish the new election administration standards created by HAVA. These federal funds are in the SOS and are continuously appropriated with a fund balance of approximately \$2 million.

### **State Expenditures**

**For FY 2016-17, this bill increases state expenditures of federal funds by up to \$256,000.** The SOS is required to purchase stand-alone twenty-four hour drop boxes for each of the State's 64 counties. For security reasons it is assumed each county will also require a surveillance camera. The cost of each drop box and surveillance camera is \$4,000, resulting in total costs of \$256,000 if installed in all 64 counties. However, this cost is reduced for each county that declines the equipment. It is assumed that the counties will be responsible for all installation and monitoring costs. These state expenditures are paid using federal HAVA funds which are continuously appropriated.

Workload in the SOS will increase to update rules regarding the installation of ballot drop boxes and accessibility requirements and to review the updated county mail ballot delivery plans. This workload can be accomplished within existing appropriations.

### **Local Government Impact**

This bill increases county costs and workload in several ways. First, counties that receive the twenty-four hour drop box and surveillance camera must install the equipment and will incur additional cost to monitor and maintain the equipment. Second, in some instances, counties currently pay for the postage of ballots that have insufficient postage. No longer requiring the voter to provide postage could increase the number of ballots being sent with insufficient postage, which will increase county costs to pay for the postage on those ballots. Additional county costs will also be incurred for any county that chooses to provide postage on the mail ballot return envelope that is sent county voters. Lastly, many counties already work with the post office to ensure efficient delivery of mail ballots and provide a mail ballot plan to the SOS. These plans will need to be updated and any county that has not worked with the post office to create such a plan will need to do so.

### **Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. It applies to any election conducted on or after the effective date.

**State and Local Government Contacts**

Counties

County Clerks

Information Technology

Secretary of State